

# They're rubbish

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## **An increasing number of people don't rate their council. Jason Dowling reports on the malaise in local government.**

VICTORIA'S local councils are under siege from all sides: angry constituents, developers and an interventionist State Government.

Brimbank Council's shady activities may have dominated recent headlines, but councillors from municipalities across Victoria are under investigation or facing increased scrutiny, accused of everything from bullying, incompetence and conflicts of interest.

Confidence in local government has plunged and some are now suggesting that the third tier of government is at its lowest ebb since the Kennett government forced 210 councils to become 78 in the 1990s.

Each year the State Government releases a survey of community attitudes to local government.

For the first time in six years, less than half of those surveyed believed councils in metropolitan areas were doing a good job. The overall rating was also down. The survey comes as a damning Ombudsman's report exposed shoddy activities at Brimbank Council, with Labor councillors using local resources to do favours for parts of the community, often ethnic groups, who returned the favour by joining ALP local branches to help factional warlords and state and federal MPs.

The report embarrassed the Brumby Government into promised reform of the sector, including a ban on local councillors also being employed as electorate officers or advisers by federal or state MPs.

Some critics are calling for even more radical action: a total review of the sector and how it is regulated.

Brimbank is symptomatic of wider, systemic problems in local government — not the single bad apple — these critics argue.

In Melbourne's east, there have been bullying allegations at Monash and Casey councils. The Bass Coast Shire is facing a State Government investigation over planning decisions. Moorabool shire in the west has been investigated by the Ombudsman over "corporate governance". And there are ongoing Ombudsman inquiries at Port Phillip Council and Casey.

Reports concerning local government have made up almost half of the Ombudsman's reports in the past 16 months. This year alone to April, the Ombudsman's office received 602 complaints about local government. "Local government continues to be the focus of a number of major investigations," the Ombudsman's office told *The Age*.

Conflicts of interest remained a significant issue for the local government sector, the office said. Others have told *The Age* the Ombudsman's office is concerned about the big burden local council investigations are placing on its resources.

One senior local government member with 20 years' experience, who chose not to be identified, said local government is going through a "step change". He expects the State Government to introduce major reforms before the November 2010 state elections — including beefing up the powers of Local Government Victoria, which he said has been "pushed down in status".

"I expect that there will be a lot of thought put into this proposition in the lead-up to election," he said.

Local Government Victoria has 35 permanent staff and receives about 1500 complaints a year. Since 2007 it has carried out 36 separate investigations, many involving multiple complaints — but will not release details.

Amazingly, the regulator has not been documenting the "formal assessment of each complaint it receives" — a point highlighted in the Ombudsman's Brimbank investigation. The senior local government source said the Government regulator of councils has been allowed to slide in resourcing and status.

In the 1990s, Local Government had its own department, now it is a small part of the massive Department of Planning and Community Development.

Of greater concern, he said, is the changed focus of the body charged to regulate local government. "It is more of an industry lobby group now than a regulator — if you are the regulator, you have got to regulate," he said.

Ratepayers Victoria president Jack Davis said an independent statutory body is needed to monitor local government.

Davis said the State Government faces a conflict in its role overseeing local government because Labor Party members control many of Victoria's councils.

Darlene Reilly is president of the Sunshine Residents and Ratepayers Association. Her association watches Brimbank Council and Reilly said there is too much politics in local government.

"There is a consensus in our area that politics and local government don't mix and they shouldn't mix. Local Government should be about people who want to deliver for their community and that's their priority — not brown-nosing to get points with certain politicians," she said.

In an unusual move for a grassroots community organisation, Reilly has called for Brimbank Council to be sacked. "We need an administrator for three to five years to break down the networks and culture," she said.

State Liberal MP Inga Peulich went further in State Parliament last month. "There has been a prolonged and systemic failure in enforcement relating to breaches of the Local Government Act where Labor misconduct is involved, there has been a failure to acknowledge the corrosive effects of Labor caucusing rules on local democracy and there has been a track record of turning a blind eye to mates doing the wrong thing," she said.

Local Government Minister Richard Wynne vehemently denied the Labor Government had a conflict regulating Labor councils.

"Any breaches of the Local Government Act will be pursued with vigour and impartially by the Office of Local Government and I will act on their advice," he said.

He said the Government had toughened laws governing local councils and recruited more investigators for Local Government Victoria. He pointed to the fact that two Labor-aligned Geelong councillors are facing charges under the act for failing to declare conflicts of interest. Wynne said those with political affiliations should make those clear when they stand for local council.

Ratepayers Victoria's Jack Davis said residents have a right to expect that their local councils are using their resources for the best possible good of the community, and not for personal or political gain. Council rates will rise on average more than 5 per cent this year — more than double the rate of inflation.

The former minister for local government in the Kennett government, Robert Maclellan, said he is concerned that local councils have not learnt from their experience in the 1990s, when many were replaced with administrators for a period.

"I had high hopes that re-organised local government and new responsibilities would produce a new breed of local councillor — hopes dashed. What it produced was the same old warlords," he said.

Some are now calling for mandatory candidate disclosure of political party membership for those running for local councils, so voters know what they are getting. Others have raised concerns about links between councillors and developers.

On Saturday, *The Age* revealed that the Bass Coast Council may face charges over its failure to keep proper records of councillor interests, including developers' campaign donations.

Unlike state and federal politics, donations to candidates for council elections are not available on the internet. Instead, every candidate is required to provide a donations return (of gifts valued at \$200 or more) to the chief executive of the council within 60 days of the election. The chief executive then sends a copy to the Minister for Local Government. The returns should also be available for inspection at the council offices.

The Government could not say how many of the 1975 candidates who stood at the November council elections had failed to file a donations return.

When questioned if the Government would make the availability of the returns on the internet mandatory, Wynne said Victoria already had tough disclosure laws.

**MANY** councils are also under attack from the development industry. Planning cases before Victoria's planning disputes body, the Victorian Civil and Administrative Tribunal, have risen 12 per cent in 12 months to 3640.

Fed up with what they see as intransigent, anti-development local councils, development groups are championing State Government proposals for new "development assessment committees", to speed up planning decisions in areas zoned for increased development.

"There are some councils that are prejudiced against development," said Tony De Domenico, executive director of the Urban Development Institute of Australia.

"Some have gone from being NIMBYS (not in my back yard) to bananas — build absolutely nothing absolutely nowhere any time," he said.

Bob Seiffert worked in local government for 13 years and is now chief executive of the Civil Contractors Federation, whose members build or maintain much of the infrastructure for new communities, such as roads and drains.

He said there was a crisis of confidence at the moment in local government. "It is far too easy for the councillors to abdicate their responsibility and allow matters to go to VCAT. There are many people in the community who would support the return of the commissioners," he said.

Amid all the doom and gloom, there are others who view local government as the last sandbag protecting communities from a rampant development industry spurred by the State Government's obsession with job creation.

"I think they are doing a terrific job under difficult circumstances — the Government is trying to discredit the good councils because they would like to take over full planning control from councils," Mary Drost from community group Planning Backlash said.

Boroondara mayor Jack Wegman said the State Government is "slowly but surely continuing to dilute the rights of communities and their local councils in the planning process and the people of this state should be concerned".

"Using the Trojan horse of the global economic crisis to excuse drastic changes to important checks and balances in our planning system is short-term thinking that will result in poor long-term outcomes," he said.

Ian Wood, president of Save Our Suburbs, blames the State Government, not councils for problems with the planning system.

Wood said there have been problems such as Brimbank, but overall councils are doing a good job.

Municipal Association of Victoria president Bill McArthur said: "The community still holds their local government in pretty high regard — the bar for councillor standards is higher than ever before."

Rose Iser, president of the Victorian Local Government Association, said despite some "rogue" councillors, the majority of more than 600 councillors across Victoria worked hard. She, too, was critical of State Government planning interventions.

Changes to council planning powers will go before State Parliament again soon, as will another two Ombudsman's reports into activities at local councils. The expectations are strong that Local Government Victoria will finally get some teeth. For some, the additional scrutiny will not come soon enough.

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